

MAINE STATE LEGISLATURE

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DECEMBER SPECIAL SESSION

E I G H T Y - S I X T H L E G I S L A T U R E

Legislative Document

No. 117

S. P. 45

In Senate, Dec. 8, 1933.

Referred to Committee on Judiciary and 500 copies ordered printed.
Sent down for concurrence.

ROYDEN V. BROWN, Secretary.

Presented by Senator Robie of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND
THIRTY-THREE

AN ACT Relating to Horse Racing and Creating a State Racing Commission.

Emergency Preamble. Whereas, the state is not able to balance the budget, and continue its present program of highway, educational, health and welfare work; and

Whereas, the reduction of the present program of highway, educational, health and welfare work would cause further unemployment and place unbearable burdens on many local communities; and

Whereas, in the judgment of the legislature these facts create an emergency within the meaning of section 16 of Article XXXI of the constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety, now, therefore

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. State racing commission. There shall be and hereby is created a state racing commission consisting of 3 members who shall be appointed and may be for cause removed by the governor with the advice and consent of the council. One member shall be appointed for 1 year, 1 for 2 years and 1 for 3 years, and upon the expiration of their terms of office their successors shall be appointed for a term of 3 years. Any vacancy shall be

filled by appointment for the unexpired term. The members shall serve until their successors are appointed and qualified. No member of the commission shall have any pecuniary interest in any racing or the sale of pari mutuel pools licensed under the provisions of this act.

Sec. 2. Organization. The commissioners shall select 1 from their number to be chairman and another to be secretary of the commission. Two of the members of the commission shall constitute a quorum to do business. It shall be the duty of the secretary to keep a record of all proceedings of the commission and to preserve all books, maps, documents, papers and records entrusted to its care.

Sec. 3. Racing fund. The treasurer of state shall keep a separate account, to be known as the racing fund, to which shall be credited all money received from the tax on admissions and tax on contributions to pari mutuel pools as provided for in this act. Said fund shall be used for the general purposes of the state until otherwise ordered by the legislature.

Sec. 4. Bond. Each member of the commission shall give bond to the state in the sum of \$5,000, with sureties, to be approved by the governor and council, for the faithful performance of the duties of his office.

Sec. 5. Office. The commission shall have an office in Augusta and during the time in which racing is conducted in the state may maintain branch offices elsewhere.

Sec. 6. Assistants. The commission, with the approval of the governor and council, is authorized to employ such assistants and employees as it may deem necessary to provide adequate policing and to carry out the purposes of this act at such compensation on a per diem basis as the commission may prescribe.

Sec. 7. Compensation. Each member of the commission shall receive a salary of \$1200 a year and his reasonable expenses, including transportation, incurred in the performance of his duties, to be audited and allowed by the governor and council.

Sec. 8. Disbursements. The compensation of the commissioners, expenses of the commissioners, compensation of assistants and other necessary expenses of the commission, including suitable furniture, equipment, supplies and office expense shall be charged to and paid out of the funds received under the provisions of this act, provided that no payment shall be made until sufficient money has been received under the provisions of this act to cover said payments.

Sec. 9. Report of the commission. The commission shall make an annual report to the governor on or before the 1st day of February in each year, including therein an account of its actions, receipts derived under the provisions of this act, the practical effects of the application of this act,

and any recommendation for legislation which the commission deems advisable.

Sec. 10. Rules and regulations. Said commission shall make rules and regulations for the holding, conducting and operating of all running or harness horse races or meets for public exhibition held in this state and for the operation of race tracks on which any such race or meet is held. No such race or meet shall be permitted on Sunday or before 12 A. M. and after 7 P. M. on week days nor during the period extending from the 1st day of November to the 1st day of May in each year.

Sec. 11. Races. No person, association or corporation shall hold, conduct or operate any running or harness horse race or meet for public exhibition within the state without a license from the state racing commission.

Sec. 12. License. Any person, association or corporation desiring to hold a running or harness horse race or meet for public exhibition shall apply to said commission for a license to do so. The application shall be signed and sworn to by the person or executive officer of the association or corporation and shall contain the following information:

(a) The full name and address of the person, association or corporation.

(b) If an association, the names and residences of the members of the association.

(c) If a corporation, the name of the state under which it is incorporated with its principal place of business and the names and addresses of its directors and stockholders.

(d) The exact location where it is desired to conduct or hold races or race meets.

(e) Whether or not the racing plant is owned or leased, and if leased, the name and residence of the fee owner, or if a corporation of the directors and stockholders thereof.

(f) A statement of the assets and liabilities of the person, association or corporation making such application.

(g) Such other information as the commission may require.

Sec. 13. Issuance of license. If the commission is satisfied that all the provisions of this act and the rules and regulations prescribed by the commission have been and will be complied with by the person, association or corporation applying for a license, it may issue a license which shall expire on the 31st day of December. The license shall set forth the name of the licensee, the place where the races or race meets are to be held, and the time and number of days during which racing may be conducted by said licensee. Any such license issued shall not be transferable or assign-

able. Said commission shall have power to revoke any license issued at any time for good cause upon reasonable notice and hearing. The license of any corporation shall automatically cease upon the change in ownership, legal or equitable, of 50% or more of the voting stock of the corporation and the corporation shall not hold a running or harness horse race or meet for public exhibition without a new license.

Sec. 14. Bond. Every person, association or corporation licensed under this act shall before said license is issued give a bond to the state in such reasonable sum not exceeding \$50,000 as may be fixed by the commission with a surety or sureties to be approved by the commission conditioned to faithfully make the payments prescribed by this act and to keep its books and records and make reports as herein provided and to conduct its racing in conformity with this act and the rules and regulations prescribed by the commission.

Sec. 15. Penalty. Any person, association or corporation holding or conducting, or any person or persons aiding or abetting in the holding or conducting of any running or harness horse race or meet for public exhibition within the state without a license duly issued by said commission, or any person, association or corporation who violates any of the provisions of this act or who violates any of the rules and regulations prescribed by the commission shall be punished by a fine of not more than \$5,000 or by imprisonment for not more than 1 year, or by both such fine and imprisonment.

Sec. 16. Pari mutuel pools. Within the enclosure of any race track where is held a race or race meet licensed and conducted under this act but not elsewhere, the sale of pari mutuel pools under such regulations as may be prescribed by said commission is hereby permitted and authorized. Commissions on such pools shall in no event and at no track exceed 10% and the odd cents of all redistribution to be made on all mutuel contributions exceeding a sum equal to the next lowest multiple of 5. Said maximum shall include the 3½% tax hereinafter prescribed.

Sec. 17. Tax on pari mutuel pools. Each person, association or corporation licensed to conduct a race or race meet under this act shall pay to the state treasurer for the use of the state a sum equal to 3½% of the total contributions to all pari mutuel pools conducted or made at any race or race meet licensed under this act.

Sec. 18. Payment. Said payment under the preceding section shall be made not later than 7 days after each race and shall be accompanied by a report under oath showing the total of all said contributions to pari mutuel pools covered by such report and such other information as the commission may require.

Sec. 19. Limitation. No part of this act shall be construed to apply to any racing whatever except running or harness horse races.

Sec. 20. Records. Every person, association or corporation conducting a race or race meet under this act shall so keep its books and records as to clearly show the total number of admissions and the total amount of money contributed to every pari mutuel pool on each race separately and the amount of money received daily from admission fees, and within 60 days after the conclusion of every race meeting shall submit to the commission a complete audit of its accounts, certified by a public accountant qualified to practice in the state of Maine and approved by the commission.

Sec. 21. Minors. No minor whether attending a race or employed in any manner on or about a race track shall be permitted to participate in any pari mutuel pool or be admitted to any pari mutuel enclosure.

Sec. 22. Supervision. Said commission shall have the power and authority to regulate, supervise and check the making of pari mutuel pools and the distributions therefrom. Said commission shall have the further power and authority to investigate as to the direct and indirect ownership and control of any licensee and any expense incurred by the commission in so doing shall be at the expense of such licensee or of the applicant for a license.

Sec. 23. Declaration of legislative intent. All acts, or parts of acts, inconsistent with the provisions hereof are hereby declared inoperative in so far as they effect any acts done by virtue of and within the provisions of this act. It is hereby declared to be the legislative intent not to repeal any law by this act but to suspend the operation of inconsistent laws only so far as they would prevent or invalidate the operation of this act.

Sec. 24. Enforcement. It shall be the duty of the attorney-general with the aid of the county attorneys of the several counties to enforce the provisions of this act upon notification from said commission of any violations thereof.

Sec. 25. Adoption. The provisions of this act shall only be applicable within a town or city which at a regular election or at any special election called for that purpose has by majority vote of the legal voters present and voting accepted this act. Any town or city which has accepted this act may at any regular or special election called for that purpose by a majority vote of the legal voters present and voting rescind its acceptance and thenceforth the provisions of this act shall not be applicable in such town or city.

Emergency Clause. In view of the emergency created as recited in the preamble this act shall take effect when approved.